IJDPP International Journal of Development and Public Policy
| e-ISSN: 2792-3991 | www.openaccessjournals.eu | Volume: 2 Issue: 5

The Judicial System of England and Wales and their Characteristics

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Abstract: In this article analyzed the judicial system of England and Wales and their special characteristics. In addition, author tried to illustrate the history and development stages of judicial system of common law countries. At the result of this analyze author tried to give several suggestions and recommendation for development of judicial system of Uzbekistan.

Keywords: judicial system, judge, system, common law, England and Wales law system, legal study.

In the present advanced period, English law differs from other legal systems in that it is distinguished by its flexibility, initiative, and practicality. A comprehensive study of the characteristics of the judicial system of countries based on the English legal system; It is one of the modern requirements to determine the general laws of their development and, as a result, to improve the national judicial system, to study the theoretical and practical knowledge to address these issues.

Improving the judiciary and building a state within the framework of judicial reform is unimaginable without it. Identify general laws and trends in the development of foreign countries, in particular, the historical experience of the British judiciary in a large and stable judiciary in a market economy and democratic state, study of organizational models, labor, social, financial courts, juvenile courts, is a study of quasi-judicial bodies. The study of the history of the English judicial system requires not only a comparative legal analysis, but also theoretical knowledge.[1] In particular, systems for creating a typology of judicial systems that are appropriate for European countries include a review of their general and specific characteristics in order to study states more deeply.

Improving the efficiency of the judiciary and the judiciary cannot be developed and reformed without a holistic historical and legal knowledge. It is also important to analyze the experience of European countries. The similarity of the tasks facing our national legislation and the need for judicial reform in European countries, the need to create a modern judicial system – all determine the relevance of this study.

The judiciary is the "third" branch of government. Therefore, the formation of a certain system of judicial authorities the judiciary required centuries of progress in building the rule of law. "The judiciary is a complex social phenomenon, so its concept is complex. The judiciary can be viewed from different perspectives: its organization, its activities, its implementation and its role in

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society", - said lawyer A.F. Izvarina. The creation of a truly perfect and modern judicial system will determine the future of the country and its prospects.[2]

In England, the birthplace of the Anglo-Saxon model, the following rules formed the basis of the judicial system:

1. Recognition of the law-making role of the court and the court precedent as a source of law;
2. procedural forms of indictment developed in court practice;
3. the form of appeal against court decisions only;
4. competitiveness, in which the court is more passive and monitors compliance with procedural norms only by the parties;
5. Extensive use of the institute of judges;
6. Wide practice of electing judges.

We can understand one important feature of these rules, which is that despite the lack of a single judicial system, it has developed extensively, leading many states to reconsider their judicial systems. The current English judicial system is the result of more than 900 years of evolution. Law scholar A.K. Romanov said, "Development in many respects, under the pressure of certain conditions, but not from top to bottom, but from bottom to top, and its lower structural formations, as well as the development of its components". This judicial system is very modern in terms of its principles, methods of operation, and tasks to be solved.

As R. David puts it: "The judicial system in England is divided into two parts: the justice system, which is administered by the Supreme Court, and the lower courts, which are administered by a large number of lower courts and quasi-jurisdictions.

Parts of the English judiciary have often been reorganized for a variety of reasons. However, over the centuries, the English courts have retained their original organizational unity and integrity.[3] Law scholar R. David states, "The U.S. judicial system is explained by the decentralization of the judicial system in the United States compared to the UK, and the main reason is that it consists of federal and state courts. In Britain, the centralization of the judiciary in London was a decisive factor in the development of English common law".

The Anglo-Saxon model of the judiciary is very important in today's world. It was the English courts that shaped the Anglo-Saxon legal family, the common law system, Anglo-American law. That is why about a third of the states of the modern world are under the influence of British practice, and it has developed the principle of the rule of law, ensuring and shaping the equality of private and public subjects in resolving cases. It also strengthened the fundamental rights and freedoms of citizens through court decisions.

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ISSN 2792-3991 (online), Published under Volume: 2 Issue: 5 in May -2022

In England and Wales, the judicial system and the different types of courts have evolved over the centuries. England and Wales have a single judicial system based on the principles of common law that emerged in medieval England. Scotland and Northern Ireland also have their own courts. The judicial system in Northern Ireland is very similar to that in England and Wales, while the Scottish judiciary is a hybrid model that combines elements of common law and civil law systems. In England and Wales, most civil cases are heard in district courts. Many specialized courts have been set up to handle specific types of civil disputes, such as taxation and employment, immigration, and asylum.

The current judicial system in the UK is:

1) the Supreme Court;
2) the Supreme Court;
3) the Court of Appeal;
4) House of Lords;
5) Crown Court;
6) Magistrate courts;
7) County courts.

Supreme Court. The UK Supreme Court is the final appellate court for all civil cases in the UK and for criminal cases arising in England, Wales and Northern Ireland. The Supreme Court consists of 12 permanent judges, who are appointed by the Lord Chancellor, a member of the Cabinet, on the recommendation of an independent commission. Prior to the formation of the Supreme Court in 2009, final appeals were heard by a panel of 12 senior judges appointed by the House of Lords' Appeals Committee as members of the upper house.

According to some British sources, this unique structure was necessary to overcome the separation of the British courts, to establish the unity of the judiciary and its subordination to the center. The Supreme Court functions both as a court of first instance in high-level civil cases and as a court of appeal in civil and criminal cases. Article 1 of the Supreme Court Act of 1981 provides that the Supreme Court of England and Wales consists of the Court of Appeal, the High Court and the Crown Court, each of which has jurisdiction over this or that law or under it. has The Lord Chancellor is the President of the Supreme Court.

As the final court of appeal, the Supreme Court plays an important role in the development of UK law. As an appellate court, the Supreme Court cannot hear a case unless a lower court decides. Supreme Court:

a) Final Court of Appeals for all UK civil cases and criminal cases in England, Wales and Northern Ireland;
b) considers appeals on controversial issues of law of public importance;
c) focuses on matters of state and constitutional importance;
d) Maintains and develops the role of the Supreme Court of the United Kingdom as a leader in the world of common law.

The High Court. The High Court was established under the Judicial Reform Act of 1873-1875. This court serves both as a court of first instance for high-level civil cases and as a court of appeal

ISSN 2792-3991 (online), Published under Volume: 2 Issue: 5 in May -2022

for civil and criminal cases. The High Court also hears more serious and complex civil and family cases in the first instance. The High Court consists of three sections:

1) *The Court of Members of the Jury, headed by the Queen.* It is headed by the Lord Chief Judge. The Royal Courts of Justice is the largest of the three divisions of the Supreme Court. It includes a number of specialized courts: Admiralty, Commercial, Commercial, Technological and Construction, and Administrative Courts. This section covers a wide range of civil cases (lawsuits for breach of contract and defamation, trade disputes, and admiralty cases);
2) *Chancellery.* It is headed by the Lord Chancellor, but the Vice-Chancellor is in charge of the department. This section deals with property relations, including the management of property after the death of the owner, the interpretation of wills, the activities of patents, bankruptcies and joint stock companies;
3) *The Family Court.* Under the chairmanship of the President, the department deals with divorce cases, family relations, guardianship and trusteeship, adoption issues, wills without disputes, and division of property of deceased owners without leaving wills.

The High Court also has oversight functions over a number of courts, tribunals, bodies, and certain individuals holding public office, including government ministers. It should be noted that the High Court can function both as a court of first instance and as an appellate court. If in the first instance the judge conducts the proceedings individually, as an appellate instance, the High Court hears cases in a composition of two or three judges. The Family Court was established in 2014. It has national jurisdiction and unites family courts of all levels in one court.

The Family court system allows them to resolve family disputes, disagreements, or problems quickly and easily when they arise. In addition, the parties are encouraged to resolve their disputes out of court, for example, through mediation. Judges try to make family disputes less controversial, and hearings can often be informal.

Family district courts hear the following cases:

Private;

Public works.

Private affairs are conflicts that involve parents and their children, such as divorces, who the children live with, who they meet, where they go to school, or even living abroad with one of them. can be moved to.

Public works are activities in which local authorities take measures to keep children out of the care of their parents. Such cases are handled by a family judge.

House of Lords. The House of Lords is the highest court in the British judiciary, acting as the upper house of parliament, as well as the appellate court in criminal and civil cases. It is clear that its uniqueness lies in the fact that it combines the legislature and the judiciary at the same time. To some extent, it may also include the executive branch, as its chairman is the Lord Chancellor, who is the speaker of the upper house of parliament.

The peculiarity of the consideration of appeals by the House of Lords is that it is not in the interests of the parties, but in the interests of the whole English legal system, that is, to create, amend and amend the rules of case law. carries out its activities. Cases are heard by specially appointed "Lords of Appeal". They are also called court lords.

ISSN 2792-3991 (online), Published under Volume: 2 Issue: 5 in May -2022

Court of Appeal. The Court of Appeals is a division of the Supreme Court that hears all appeals from the High Court and District Courts and many courts. The court consists of three or five judges of the Supreme Court. The judge listens to the arguments of the opposing parties and decides at the first hearing whether the law was erroneous or whether any important fact was overlooked. The appellate court hears civil and criminal cases.

The Court of Appeals acts only as an appellate chamber. In particular, it reviews civil and criminal cases of the High Court and appeals of the district court. The appellate court shall consist of judges on duty and no more than eighteen ordinary judges. According to Article 3 of the Supreme Court Act of 1981, the Court of Appeal has two sections:

A. Criminal Affairs Department;

B. Consists of the Civil Affairs Department.

The general jurisdiction of the Court of Appeals deals with appeals (civil or criminal) against decisions and judgments of all lower courts heard on appeal. The Court of Appeals also hears cases that are appealed directly from the Supreme Court to the House of Lords under the 1969 Administration of Justice Act.

The Magistrates' Courts date back to the 14th century and form the backbone of the judiciary. The Magistrates' Court is currently governed by the 1980 Magistrates' Act. The peculiarity of the organizational and legal framework of the magistrates' court is that a non-professional lawyer can also be a magistrate. They are also called conciliation judges. Recently, the total number of magistrates has reached 30,000. These courts usually hear cases in a panel of three judges, who are advised by a clergyman with legal knowledge.

These courts hear all criminal cases in the first instance. Less serious cases and juvenile cases are heard in magistrate courts, and offenses and minor offenses and other less serious criminal cases are heard. They can also be tried by the Magistrates' Court or before a jury in the Crown Court. The accused has the right to claim his rights in the Crown Court. A criminal case in the Magistrates' Court is heard in the Crown Court if the judge finds the complexities of the case clear.

Local courts. These courts were established in the middle of the 19th century (1846) and are the main bodies of justice in civil cases. These courts are the lowest in England and Wales. About 1.5 million cases are heard by local courts each year, but these courts hear only uncomplicated cases. Complex cases are heard by the High Court. The activities of local courts are regulated by the 1984 Law on Local Courts. Local courts are presided over by district or district judges. District courts hear larger and more difficult cases, as well as appeals against decisions of district judges. Pursuant to Article 15 of this Law, it considers cases arising from civil relations.

Types of civil cases heard in a district court include:

- Debt settlement;
- Compensation for damages;
- Considers land issues and civil cases.

If a complex civil case or a large number of cases are heard in the Supreme Court. All district court centers can deal with contract and offense (civil offense) cases and the resumption of land claims. It may also consider bankruptcy and insolvency cases, as well as testaments and proxies of trust, fund or property value not exceeding £ 30,000, in accordance with the 2010 Law on Equality. . In

ISSN 2792-3991 (online), Published under Volume: 2 Issue: 5 in May -2022

addition, other cases (such as defamation cases) can be heard in the district court if the parties agree. District judges typically hear cases worth more than £ 15,000 or more.

It should be noted that in addition to the above courts, there are specialized courts in England and Wales:

1) coronary courts, in which coroners (investigators) investigate homicides, abnormal and suspicious deaths, or deaths for unknown reasons;
2) military courts that hear charges against servicemen in the commission of war crimes;
3) Church courts dealing with the Anglican Church and church law. In addition, the English judiciary will have tribunals dealing with immigration, taxation, mental health, land use and tenure, property, social insurance, transport, industry, employment.

Trials are simpler than in other courts. Experts who do not have legal knowledge (for example, doctors) may be members of the tribunals, but the chairman of the tribunal must always be a professional lawyer.[4]

Tribunals are an independent, specialized part of the justice system of England and Wales. They are formed by parliament to resolve disputes between individuals or private organizations and government officials. The tribunals are located across the UK. There are about 100 different tribunals in England and Wales, each dedicated to a specific area. The most common include agricultural land, employment, asylum, and immigration and mental health. Tribunals usually carry out their own procedures, which are less complex and informal than those related to the courts. Tribunals are composed of judges and jury members, often made up of professionals. These members do not have to have legal qualifications, but it is sufficient that they have specialized knowledge and experience.

Appeals against the verdicts of the Magistrates' Courts are submitted to the Corona Court. Decisions on family matters can be appealed to the Family Division of the High Court. Appeals against county court decisions are usually heard by the Court of Appeals, with the exception of bankruptcy cases heard by the High Court (Chancellor's Office).[5]

Judgments and decisions of the Corona Court are appealed to the Criminal Division of the Court of Appeal. Appeals against decisions of the High Court are filed with the Civil Division of the Court of Appeal.[6]

Appeals to the House of Lords must be approved by the Court of Appeals or the Petitions Committee of the House of Lords. In the House of Lords: • Decisions of the Court of Appeal;

Decisions of the Supreme Court;

Decisions of the Scottish Court;

Appeals against decisions of the Northern Ireland Court of Appeal may be considered.

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ISSN 2792-3991 (online), Published under Volume: 2 Issue: 5 in May -2022

IJDPP
International Journal of
Development and Public Policy
| e-ISSN: 2792-3991 | www.openaccessjournals.eu | Volume: 2 Issue: 5

As we have seen, the absence of a single judicial system is a feature of the British judiciary. Different English courts have different structures and organizations. There is no administrative center over the clergy, which plays the role of a separate court administration and provides uniform instructions on judicial and judicial reform. It is believed that British judges recognize the rights of only one master.[7]

District Court. About 160 district courts hear cases in their geographical areas. These courts hear civil (criminal and non-family) cases. The district court hears cash claims of up to £ 100,000 and damages of up to £ 50,000. Proceedings are usually held at the defendant's place of residence.[8]

It can be said that based on an in-depth study of the best practices of developed countries, we can further reform and improve the judicial system in our country. That is, in the modern world, there are many models of building a judicial system. In many countries, especially the United Kingdom, the establishment of specialized courts has increased the efficiency of proceedings.

Following the adoption of the British Civil Procedure Code in 1998, which marked the beginning of procedural law reform in the UK, the legal regulation of the administration of justice in private disputes has been continuously improved. An important step in this direction was the adoption in 2010 of the "Rules of Procedure in the Family", which defines the procedure for consideration and resolution of problems in the family by the court.

In accordance with the provisions of the Law on Courts adopted in 2003, on April 22, 2014, the Family Department was established within the High Court. Until now, family court cases have been heard in various courts, particularly district and magistrate courts.[9]

According to Article 1.1 of the Rules of Procedure in Family Cases, this Law serves as a norm regulating the proceedings in all family cases. The scope of cases that constitute family disputes and fall within the competence of this court is determined on the basis of documents regulating various issues related to marriage, family, motherhood and childhood. There is a specialized the Family Court in the UK, which is very important. This court has been assisting in resolving family disputes at a professional level.

In conclusion, the specialization of the judiciary in some areas offers great opportunities for more professional handling and resolution of disputes. The opening of new judicial systems will impose new requirements on individuals for judicial positions. Thus, in addition to the requirements for age, length of service and the order of appointment, it is assumed to have additional qualifications appropriate to the specialization.

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